



16th December 2020

Committee Secretary
Community Support and Services Committee
Parliament House
George Street
Brisbane Qld 4000

National Office – Melbourne
Level 7, 14-20 Blackwood Street
North Melbourne Vic 3051
PO Box 2008
Royal Melbourne Hospital
Parkville, VIC 3050
T 03 9320 1022
F 03 9328 5670
www.aasw.asn.au

Dear Committee Secretary,

Re: Submission to the Inquiry into the Child Protection and Other Legislation Amendment Bill 2020

The AASW welcomes the opportunity to provide further feedback to the Child Protection and Other Legislation Amendment Bill 2020. The AASW lodged [a comprehensive submission](#) to the original inquiry in July 2020 where we made a number of recommendations. We refer the Committee to review our submission again. In addition to that, we want to provide further comments for our recommendations.

- *Recommendation 1: That the Queensland government repeal the amendment of s 5BA so that adoption should only be considered as one of a suite of possible responses after all other options for achieving the child’s safety are sufficiently explored, which involves access to appropriate supports, case planning and casework.*

We note the submission by the Family Inclusion Network (FIN-SEQ) in August 2020 that recommended “Section 59 of the Child Protection Act 1999 be amended so that if the court was not satisfied the Department had “taken all reasonable efforts to provide support services to the child and family” then it could refuse to make the child protection order”. We believe that this is vital to ensure natural justice and a fair and equitable process.¹ **The AASW endorses the recommendations made by FIN-SEQ as continuing to be relevant and important if we are to achieve a system that protects and safeguards children within the spirit of the United Nations Convention of the Rights of the Child.** Supporting children involves supporting their families and kin, and this requires investment, without appropriate investment and support we are destined to continue to see numbers of children entering out of home care.

- *Recommendation 2: That the Queensland government repeal the insertion of the new section 51VAA to ensure that all children and their families, in particular Aboriginal and/or Torres Strait Islander children and families, can have sufficient time to receive the necessary support and access to service to prevent children being in care or remaining in care.*

¹ Family Inclusion Network-SEQ, (2020). Child protection and other legislation amendment bill 2020: Submission to the Legal Affairs and Community Safety Committee, Parliament House, August 2020.

This remains in line with the recommendations by QATSICPP and SNAICC which includes that "...we call for Adoption to be removed as an option for Aboriginal and Torres Strait Islander children, except as it relates to traditional Torres Strait Islander adoption practices"².

- *Recommendation 3: That the Queensland government undergo a comprehensive review of other jurisdictions in Australia and across the world in the area of Adoptions before proposing further amendments.*

As we argued originally, learning from the experiences of other jurisdictions is not only prudent, but essential if we are to address the levels of harm that children and young people experience, and to not cause further harm.

- *Recommendation 4: That the Queensland government invest in prevention and early intervention concurrently.*

The AASW sees this as an essential requirement if we are to see any significant shift in the number of children and families that experience harm, distress and the need for support. Evidence internationally has shown this again and again.³

- *Recommendation 5: That the Queensland government improve staff resourcing to provide holistic and comprehensive case planning, and develop a knowledgeable, well trained, accredited, and supported child protection workforce.*

A well-resourced and appropriately qualified and experienced child protection workforce is essential. This has been demonstrated time and again, more recently with the Coronial Inquiry into the death of Chloe Valentine, that has led the South Australian Government to introduce a bill to register social workers.⁴ We refer the QLD government to the [final report to the Social Work Registration Bill 2018 \(SA\)](#).

In addition, the AASW endorses the following recommendations made by FIN-SEQ:

Recommendation 4: The two-year timeframe for 'permanency' should serve as a guide, not a fixed timeframe.

We further recommend that the *Child Protection Act 1999 (QLD)* is amended so that biological parents are afforded their right to apply to have a Permanent Care Order revoked when reunification is in line with the child's best interest.

Members of the AASW have recognised the limitations and unjust nature of imposing a blanket two-year time frame for 'permanency'. This has been borne out by anecdotal evidence of the challenges

² Queensland Aboriginal and Torres Strait Islander Child Protection Peak Limited Response to Child Protection and Other Legislation Amendment Bill 2020, p. 9

³ See AASW original submission; Boyle C. (2012) *Imagine A System Willing and Able to Protect Children and Support Families: An exploration of the effective use of intensive family support services to address child abuse and neglect* (United Kingdom, Denmark, United States of America, Canada) Churchill Fellowship.

⁴ Parliament of South Australia. (2020) *REPORT OF THE JOINT COMMITTEE ON THE SOCIAL WORKERS REGISTRATION BILL 2018*. Accessed 16 Dec 2020. Available at: https://d15k2d11r6t6rl.cloudfront.net/public/users/Integrators/BeeProAgency/535595_516556/Report%20of%20the%20Joint%20Committee%20on%20the%20Social%20Workers%20Registration%20Bill%202018.pdf

experienced by parents in accessing support due to the COVID-19 restrictions and lock down. Social workers have reported that contact visits have been limited, being able to travel to contact visits has been severely restricted and access to services that provide the necessary support have continued to be an ongoing issue, even prior to COVID-19 restrictions. While we recognise these restrictions are temporary in nature, members have identified that staffing, services, and appropriate casework and case management that wrap services around vulnerable families, have always been inadequate in Queensland. In line with the Queensland Human Rights Bill 2019, and best practice in the social work profession, the AASW believes that some degree of flexibility to this two-year timeframe is necessary. In our original submission we provided evidence of the complexity of the families that enter the child protection system, and the need to recognise this through appropriate timeframes⁵.

The AASW recognises that adoption provisions already exist in the legislation and that a wide range of stakeholders have strongly argued against progressing with the proposed legislative changes with regards to this. We welcome the opportunity to discuss our submission with you further. If you have any further questions, please do not hesitate to contact the AASW Queensland Branch President Yasmin Dunn [REDACTED] and AASW Social Policy & Advocacy Officer Charles Chu [REDACTED].

Yours sincerely,



Yasmin Dunn
President
AASW Queensland Branch

⁵ Von Korff, L., & Grotevant, H. D. (2011). Contact in adoption and adoptive identity formation: the mediating role of family conversation. *Journal of Family Psychology*, 25(3), 393; BASW. (2018). The Response of the British Association of Social Workers (BASW) to the Report by Professors Brid Featherstone and Anna Gupta. Retrieved from Birmingham, UK: <https://www.basw.co.uk/adoptionenquiry/docs/BASW%20adoption%20response.pdf>; Cuthbert, D. & Quartly, M. (2012). Forced adoption in the national story of apology and regret. *Australian Journal of Politics and History*, 58(1), 82-96.